

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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AARON HERNANDEZ,

Plaintiff,

-against-

HAPPY STREET LLC, HAPPY STREET TOO LLC, and
SLOBODAN RADIVOJEVIC a/k/a BOB RADIVOJEVIC,

Defendants.

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Case No.: 1:22-cv-6918 (DG) (TAM)

**DECLARATION OF SLOBODAN
RADIVOJEVIC IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

I, Slobodan Radivojevic, pursuant to 28 U. S.C. § 1746, declare as follows:

1. I am an adult residing in the State of New York, and am also a Defendant in the above-referenced case.
2. I respectfully submit this declaration in support of Defendants' motion for summary judgment.
3. Happy Street LLC ("Happy I") is a domestic business limited liability company organized under the laws of the State of New York and is authorized to do business in the State of New York.
4. I am the sole owner and member of Happy I, which was organized on October 27, 2011.
5. Happy I was a pizzeria I owned and operated at 2127 Amsterdam Avenue, New York, NY 10032-2515, and did business as "PiePie."
6. Happy Street Too LLC ("Happy II") is a domestic business limited liability company organized under the laws of the State of New York and is authorized to do business in the State of New York.
7. I am also the sole owner and member of Happy II, which was organized on March 17, 2014.
8. Happy II was a pizzeria I owned and operated at 924 Columbus Avenue, New York, NY 10025-3743, and similarly did business as "PiePie."

9. Happy I and Happy II both operated under the PiePie brand until Happy I went out of business in 2015. See final tax return of Happy I from 2017 showing “zero” return annexed hereto as **Exhibit “A.”**

10. Plaintiff Aaron Hernandez (“Hernandez”) worked at both Happy I and Happy II.

11. When Hernandez worked at Happy II, he was at all times paid somewhere between \$850.00 and \$950.00 per week as a weekly salary without regard to the number of hours he worked.

12. While I have been unable to find time and pay records, I recall that Hernandez earned \$850.00 per week and, over time, was given raises (at least two) until he began earning \$950.00 per week.

13. Hernandez was a manager at Happy II who was responsible for overseeing the remaining staff.

14. Hernandez had the power to make recommendations about who to hire and fire, discipline the staff, and make important decisions concerning the operations of the pizzeria.

15. However, all financial decisions – such as ordering food and supplies – were my domain, and Hernandez did not perform such duties.

16. Hernandez worked at Happy I since in or about 2012 until 2015 when it was closed, then worked at Happy II until December 2017, when he went to work for a different pizzeria called Luigis.

17. Hernandez mistakenly believes that I have an ownership interest in Luigis because it took over the space that Happy I was in.

18. However, I merely worked to assist the owner of Luigis in order to remove my responsibility for the rent payments due under the lease as it was in my interest to do so.

19. I have no responsibility to Hernandez for the period of time he worked at Luigis because I did not maintain any ownership interest in nor operational control of that pizzeria when he worked there in 2018 and 2019.

20. Following the onset of the COVID-19 pandemic, like many, Hernandez flew down to Florida.

21. At the time, I owned and operated a pizzeria there at 7308 Collins Avenue, Miami Beach, FL 33141.

22. Hernandez worked at the Florida pizzeria from April 2020 through May 2020, resigning in late May on good terms because he had some personal problems in Miami.

23. When Hernandez worked at the Florida pizzeria, it was on the same financial terms and he had the same duties.

24. In 2019, Happy II earned gross revenue of \$317,181.00. See copy of 2019 tax return annexed hereto as **Exhibit “B.”**

25. In 2020, Happy II earned gross revenue of \$321,901.00. See copy of 2020 tax return annexed hereto as **Exhibit “C.”**

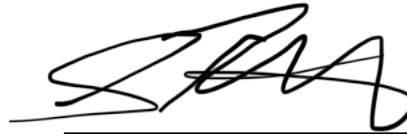
26. In 2021, Happy II earned gross revenue of \$243,529.00. See copy of 2021 tax return annexed hereto as **Exhibit “D.”**

27. In 2022, Happy II earned gross revenue of \$210,234.00. See copy of 2022 tax return annexed hereto as **Exhibit “C.”**

28. During his entire tenure with me at Happy II and at my Florida pizzeria, Hernandez did not perform any work involving or relating to the movement of persons among the United States of America (“USA”) or between any States within the USA.

29. Hernandez's work revolved around managing the employees and serving local customers with pizzeria.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 6, 2025.


Slobodan Radivojevic